

AN ORDINANCE 2006-05-18-0585

DECLARING THE 36TH STREET – US90 TO KELLY AFB ENTRANCE (MPO) PROJECT TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE TO CERTAIN PRIVATELY OWNED REAL PROPERTY IN BEXAR COUNTY, TEXAS, BY NEGOTIATION AND/OR CONDEMNATION, IF NECESSARY, FOR A PUBLIC PURPOSE AS PUBLIC IMPROVEMENTS AS PART OF THE PROJECT; ESTABLISHING JUST COMPENSATION FOR THE PROPERTY; APPROPRIATING FUNDS IN THE AMOUNT OF \$841,100.00 FROM 1999 GENERAL OBLIGATION STREET IMPROVEMENT BONDS FOR THE ACQUISITION AND OTHER MISCELLANEOUS ASSOCIATED EXPENSES SUCH AS APPRAISALS AND ATTORNEY'S FEES; AUTHORIZING THE CITY STAFF TO NEGOTIATE AND TO ACQUIRE THE PROPERTY ON THE APPROVED TERMS; AND AUTHORIZING THE CITY ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY; TO ACQUIRE THE FOLLOWING PROPERTIES:

COSA PARCEL	ACREAGE	LOT(S)	BLOCK	NCB	SUBDIVISION
17970	0.653	5		8669	
17957	0.014	11J	8	8084	West Gardendale
17965	0.035	25	8	8084	Aelvoet
17966	0.006	25	8	8084	Aelvoet
17963	0.020	31	8	8084	
17964	0.098	39	8	8084	
17969	0.274	Tract C		8669	
17968	0.928	2		8669	Chico Properties
17968A	0.594	3		8669	Chico Properties
17967	0.888	4		8669	Providence

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WHEREAS, the 36th Street – US90 to Kelly AFB Entrance Project is in the best interest of the health, safety and welfare of the public; and

WHEREAS, it is necessary to obtain and acquire the fee simple title to ten (10) parcels of land for use as part of the Project and the Property to be acquired is described in Section 3 below, and more fully in **Attachment I** which is attached hereto and incorporated herein for all purposes; and

WHEREAS, in order to proceed with the acquisition of the Property, it is necessary and appropriate to establish just compensation for the Property to be acquired; and

WHEREAS, independent appraisals for the Property to be acquired have been completed and reviewed by the City's staff of the Real Estate Section of the Public Works Department and a fair market value determined for the Property; and

WHEREAS, title fees, legal fees, appraisal fees, right of entry fees, miscellaneous expenses to prepare each parcel for use, and lender fees will have to be paid as necessary expenses for the completion of the Project; and

WHEREAS, funds are available to acquire the necessary right of way and pay the necessary expenses for this project; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The 36th Street – US90 to Kelly AFB Entrance Project (“the Project”) is hereby declared to be a necessary public project.

SECTION 2. The City Council of the City of San Antonio finds a public necessity exists to acquire the fee simple title to certain privately owned real property, by negotiation and/or condemnation, if necessary, for the location, construction, operation, reconstruction, improvement, repair and maintenance of public improvements including but not limited to street, drainage and/or utility improvements as part of the Project in San Antonio, Bexar County, Texas.

SECTION 3. A specific public necessity exists to acquire by negotiation and/or condemnation; if necessary, the Property more specifically described in **Attachment I** which is attached hereto and is incorporated herein for all purposes. Collectively, the properties may be referred to as the “Property”.

SECTION 4. The approved compensation for the Property is shown in **Attachment II** which is attached hereto and incorporated herein for all purposes.

SECTION 5. The following financial adjustments are hereby authorized:

- a.) The amount of \$217,000.00 is appropriated in fund 45972000, 1999 Street Improvement 2001, WBS GO-00168-01-01-06, GL account 6102100 – Interfund Transfer out entitled Transfer to 23-00839-90-05. The amount of \$217,000.00 is authorized to be transferred to fund 45099000.

The budget in fund 45099000, Project Definition 26-00839, 36th Street – US 90 to Kelly AFB Entrance, shall be revised by increasing WBS element 23-00839-90-05 entitled Trf Fr GO-00168-01-01-06, GL account 6101100 – Interfund Transfer In, by the amount of \$217,000.00.

- b.) The amount of \$99,100.00 is appropriated in fund 43506001, 2004 MPO Future Match, WBS CO-00049-01-01-45, GL account 6102100 – Interfund Transfer out entitled Transfer to 23-00839-90-08. The amount of \$99,100.00 is authorized to be transferred to fund 45099000.

The budget in fund 45099000, Project Definition 26-00839, 36th Street – US 90 to Kelly AFB Entrance, shall be revised by increasing WBS element 23-00839-90-08 entitled Trf Fr CO-00049-01-01-45, GL account 6101100 – Interfund Transfer In, by the amount of \$99,100.00.

- c.) The amount of \$326,000.00 is appropriated in fund 43902003, 2006 C/O Streets Improvements, WBS CO-20060-01-01-06, GL account 6102100 – Interfund Transfer out entitled Transfer to 23-00839-90-10. The amount of \$525,000.00 is authorized to be transferred to fund 45099000.
 - d.) The budget in fund 45099000, Project Definition 26-00839, 36th Street – US 90 to Kelly AFB Entrance, shall be revised by increasing WBS element 23-00839-90-10 entitled Trf Fr CO-20060-01-01-06, GL account 6101100 – Interfund Transfer In, by the amount of \$525,000.00.
 - e.) The amount of \$582,850.00 is appropriated in Fund 45099000, General Obligation Capital Projects, Project Definition 26-00839, 36th Street – US 90 to Kelly AFB Entrance, WBS element 26-00839-03-02-04, entitled ROW Acquisition, G/L Account 5209010, and is authorized to be encumbered and made payable for land acquisition.
 - f.) The amount of \$52,000.00 is appropriated in Fund 45099000, General Obligation Capital Projects, Project Definition 26-00839, 36th Street – US 90 to Kelly AFB Entrance, WBS element 26-00839-03-02-03, entitled ROW Legal, G/L Account 5201050, and is authorized to be encumbered and made payable for legal fees.
 - g.) The amount of \$15,000.00 is appropriated in Fund 45099000, General Obligation Capital Projects, Project Definition 26-00839, 36th Street – US 90 to Kelly AFB Entrance, WBS element 26-00839-03-02-02, entitled ROW Appraisals, G/L Account 5201160, and is authorized to be encumbered and made payable for appraisal fees.
- The amount of \$15,000.00 is appropriated in Fund 45099000, General Obligation Capital Projects, Project Definition 26-00839, 36th Street – US 90 to Kelly AFB Entrance, WBS element 26-00839-03-02-01, entitled ROW Title, G/L Account 5201160, and is authorized to be encumbered and made payable for land acquisition costs.
- h.) The amount of \$176,250.00 is appropriated in Fund 45099000, General Obligation Capital Projects, Project Definition 26-00839, 36th Street – US 90 to Kelly AFB Entrance, WBS element 26-00839-03-02-05, entitled ROW Miscellaneous, G/L Account 5201160, and is authorized to be encumbered and made payable for miscellaneous costs.
 - i.) The amount \$525,000.00 is subject to availability and appropriation for FY2007.

SECTION 6. The City staff is hereby directed to negotiate with the owner(s) of the respective parcels for the acquisition of the Property at fair market value as found in Section 4, above, to execute sales agreements purchasing the Property from the owners as the owners are identified by a Commitment for Issuance of Title Insurance issued by a title insurance company authorized to conduct such practice in the State of Texas and in Bexar County or by order of a Court of competent jurisdiction and to finalize such purchases on behalf of the City of San Antonio. The City Council finds that it is in the best interest of the City to obtain the Property from whomever holds legal and equitable title as identified according to the procedure adopted through this Ordinance and the Director of Finance is directed to disburse funds in accordance herewith.

SECTION 7. Staff is authorized to transfer funds within the project budget to accomplish the project, in accordance with established financial procedures.

SECTION 8. The financial allocations in this Ordinance are subject to approval by the Director of San Antonio, City of San Antonio. The Director of Finance, subject to concurrence by the City Manager, or the City Manager's designee, may correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 10. This Ordinance shall be effective on the 28th day of May, 2006.

PASSED AND APPROVED this the 18th day of May, 2006.



M A Y O R

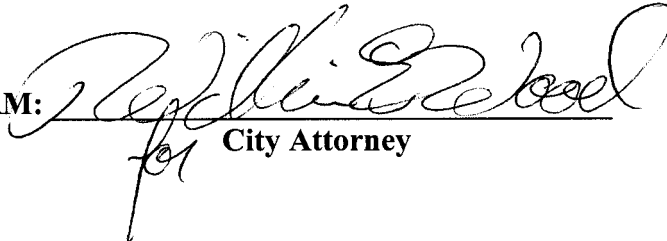
PHIL HARDBERGER

ATTEST:



CITY CLERK

APPROVED AS TO FORM:



for City Attorney